

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

FIDELITY AND DEPOSIT COMPANY)	
OF MARYLAND,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO.:2:07cv707-MEF
)	
PEGGY NESSMITH,)	
)	
Defendant.)	

MOTION TO REVISE SCHEDULING ORDER

FIDELITY AND DEPOSIT COMPANY OF MARYLAND and PEGGY NESSMITH, the parties to the above-styled case, hereby respectfully request and move the Court to allow the parties to submit a Report of Parties Planning Meeting pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure* for purposes of developing a revised Uniform Scheduling Order. As grounds for this request, the parties state as follows:

1. By Order dated April 7, 2008, this Court continued the pretrial conference, the trial setting and all deadlines set forth in the Uniform Scheduling Order. The Court further directed the parties to file a Joint Stipulation of Dismissal by June 6, 2008. This deadline was subsequently continued at the request of the parties to June 20, 2008.

2. Notwithstanding the efforts of counsel, the defendant has been unable to secure finances to fund the confidential settlement agreement that she executed on April 2, 2008. Counsel do not believe that the defendant is capable of funding the settlement.

3. Accordingly, the parties jointly request and move the Court to allow the parties to submit a Report of Parties Planning Meeting pursuant to Rule 26(f) of the *Federal Rules of Civil Procedure* for purposes of developing a revised Uniform Scheduling Order.

Respectfully Submitted

s/Brian A. Dodd

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